



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

FEB 18 2003

Mr. Don Neumann  
Programs Engineer  
Federal Highway Administration  
P.O. Box 1787  
Jefferson City, MO. 65102

Dear Mr. Neumann:

RE: Draft Environmental Impact Statement for the MO-17 Transportation Improvement Project, from Route O to South Howell County Line Bridge Replacement, Shannon, Texas, and Howell Counties, Missouri

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the MO-17 Transportation Improvement Project and Bridge Replacement. Our review is provided pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4231, Council on Environmental Quality (CEQ) regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act (CAA). The DEIS was assigned the Council on Environmental Quality (CEQ) number 020524.

The DEIS describes and analyzes environmental consequences of nine (9) alternatives (including No Action as required under NEPA) with which to address alignment deficiencies and deteriorating structural conditions of the MO-17 bridge spanning the Jack's Fork River. No preferred alternative was identified in the DEIS, and the DEIS states that all alternatives other than G and H have been deemed "no longer **reasonable or prudent** build alternates" through interagency agreement (page 66). Section 4(f) considerations present a basis for significance in this project, since the Section 4(f) mandates: "Avoiding impacts to public parkland and cultural resources deemed eligible for the National Register of Historic Places, unless it is successfully demonstrated that no **feasible and prudent** alternative exists that avoids "use" or impacts to the resource and that the project includes all possible planning to minimize harm from such use." EPA is concerned that the DEIS does not provide a "successful demonstration" that alignments other than G or H are not feasible. Thus, the absence of information that clearly demonstrates

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infeasibility of alternatives that "avoid use or impacts" to the 4(f) property compels EPA to assign a rating of EC-2 (Environmental Concerns-Insufficient Information) to all of the build alternatives. Please refer to the attached "*Summary of Rating Definitions*" for further details on EPA's rating system.

EPA believes that attention to three particular aspects of this evaluation could help in providing focus on the "feasible and prudent" 4(f) demonstration:

### **Alternatives**

The EPA notes that the described 4(f) Avoidance Alternative (Alternative A) is completely on new alignment. By not including an Avoidance alternative that makes use of sections of existing highways, the higher cost and relatively higher potential adverse impacts of the described Avoidance Alternative (Alternative A) could cause rejection of a feasible 4(f) Avoidance Alternative. EPA recommends that the FWHA evaluate the feasibility of constructing an Avoidance Alternative from existing road networks and bridging that is adjacent (to the west) of Bridge #J-665. If the bridge on Route Y does not have the load-bearing capacity to serve anticipated transportation needs, then this fact would be a logical rejection criteria.

The Improve Existing alternative is determined (at page 19 of the Draft 4(f) evaluation) to be "not feasible due to anticipated socioeconomic costs involved, including travel hardships that would occur." This determination is made without discussion of the potential for Route Y to serve as a temporary detour. EPA recommends that discussion be provided regarding the inability to provide nearby detours.

### **Environmental Justice (EJ)**

Page 16, EPA is in agreement "build" alternatives that are near existing alignment are unlikely to receive a disproportionate impact. However, a consequence of implementing a feasible avoidance alternative could be the de-commissioning of Bridge #J-655. EPA recommends that analysis for Environmental Justice (EJ) impacts be undertaken on a larger geographic scope (length of Route 17 from Summersville to I-60 and all connecting roads within this length) to evaluate potential adverse EJ impacts in the case of no bridge at Route 17/Jacks Fork. If adverse EJ implications are found to exist in a no-bridge scenario, this may be additional input to the "reasonable and prudent" 4(f) determination.

### **Cumulative Impacts**

Page 61. EPA recommends that the FEIS provide a concise treatment of regional development goals and plans. The DEIS, at page 18, 2<sup>nd</sup> para., "growth plans" and page 22, "future development plans" indicates that this information is available, however its application in affording decision criteria among alternatives is absent. EPA also encourages evaluation of

recently updated Forest Management Plans and Forest Restoration Plans to assist in assessment, and for optimizing an alignment to better achieve socioeconomic objectives.

The EPA appreciates the opportunity to review and comment on the DEIS. Please send a single copy of the Final EIS to the address indicated on the letterhead above (Mail Routing: ENSV/IO) when it is filed with EPA's Washington, D.C. office. If you have any questions, please contact Mr. Joseph Cothorn, NEPA Team Leader at (913) 551-7148.

Sincerely,



U. Gale Hutton, Director  
Environmental Services Division

Enclosure

cc: Mr. Henry Hungerbeeler, MODOT

## **Draft Environmental Impact Statement Rating Definitions**

### **Environmental Impact of the Action**

#### **"LO" (Lack of Objections)**

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### **"EC" (Environmental Concerns)**

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### **"EO" (Environmental Objections)**

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative. EPA intends to work with the lead agency to reduce these impacts.

#### **"EU" (Environmentally Unsatisfactory)**

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

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### **Adequacy of the Impact Statement**

#### **"Category 1" (Adequate)**

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

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"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.